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6 Attorneys for Plaintiffs

7  
8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
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11 BOARD OF TRUSTEES OF THE LABORERS  
12 HEALTH AND WELFARE TRUST FUND  
FOR NORTHERN CALIFORNIA; BOARD OF  
13 TRUSTEES OF THE LABORERS  
VACATION-HOLIDAY TRUST FUND FOR  
14 NORTHERN CALIFORNIA; BOARD OF  
TRUSTEES OF THE LABORERS PENSION  
15 TRUST FUND FOR NORTHERN  
CALIFORNIA; and BOARD OF TRUSTEES  
16 OF THE LABORERS TRAINING AND  
RETRAINING TRUST FUND FOR  
17 NORTHERN CALIFORNIA,

18 Plaintiffs,

19 v.

20 CONCRETE WALL SAWING COMPANY,  
21 INC., a California corporation; and KENYON  
C. BARNES, an Individual,

22 Defendants.  
23

Case No.: C06-7539 SC

**PLAINTIFFS' REQUEST FOR ORDER OF  
DISMISSAL; ORDER THEREON**

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1 Plaintiffs Trust Funds respectfully request that this Court issue an Order of Dismissal,  
2 dismissing this action, without prejudice, as against Concrete Wall Sawing Company, Inc., a  
3 California corporation; and Kenyon C. Barnes, an Individual, on the grounds that Defendants  
4 have made satisfactory payment to Plaintiffs Trust Funds of the outstanding employee fringe  
5 benefit contributions that were the subject of this action.

6 DATED: February 15, 2007

7  
8 BULLIVANT HOUSER BAILEY PC

9 By *Ronald L. Richman*  
10 Ronald L. Richman

11 Attorneys for Plaintiffs

12 **ORDER OF DISMISSAL**

13 Based on the foregoing and good cause appearing therefore:

14 IT IS HEREBY ORDERED that this action, in its entirety, be dismissed, without  
15 prejudice, as against Concrete Wall Sawing Company, Inc., a California corporation; and  
16 Kenyon C. Barnes, an Individual, each side to bear its own attorneys' fees and costs.

17 DATED: February \_\_\_\_, 2007

18  
19 By *Samuel Conti*  
20 HON. S. JUDGE  
21 UNITED STATES DISTRICT COURT  
22 NORTHERN DISTRICT OF CALIFORNIA  
23

24 IMANAGE\_SFO:6076375.1  
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